

REMARKS

Applicants respectfully request consideration of the subject application as amended herein. This Amendment is submitted in response to an Office Action mailed on October 1, 2003. Claims 129-171 are rejected. Claims 129, 134, 146, 157, 158, 162, 166-168, 170, and 171 have been amended. Claims 130-132, 147-149 have been canceled without prejudice. No claims have been added. No new matter has been added.

The Examiner rejected claims 129-136, 142-156 and 158-171 under 35 U.S.C. 103 (a) as being unpatentable by DeLuca (U.S. Patent 6,238,338, hereinafter “DeLuca”) in view of Maschke, et al., (U.S. Patent 6,221,012 hereinafter “Maschke”). Claim 137 is rejected under 35 U.S.C. 103 (a) as being unpatentable by DeLuca in view of Maschke and further in view of McNabb (U.S. Patent 5,927,603, hereinafter “McNabb”). Claims 138-141 are rejected under 35 U.S.C. 103 (a) as being unpatentable by DeLuca in view of Maschke and further in view of Amano, (U.S. Patent 5,941,837, hereinafter “Amano”). Claim 157 is rejected under 35 U.S.C. 103 (a) as being unpatentable by DeLuca in view of Maschke and further in view of Amano, and further in view of McNabb, and further in view of Durbin (U.S. Patent 6,039,258 hereinafter “Durbin”) and further in view of King, et al., (U.S. Patent 4,565,999, hereinafter “King”).

DeLuca discloses a biosignal monitoring system and method. A plurality of sensors are attached to a human body and transmit biosignals via wireless communication link to a control station. The control station may be implemented as a “wrist-watch” type device 22. (Figs.1 and 2). However, such “wrist worn” station merely provides the real-time audio/visual feedback of selected parameters and task compliance to the user, and not a handheld computer device that is capable of programming the sensors, as claimed in the

presently claimed invention.

Therefore, DeLuca does not disclose, teach or suggest at least the features of the present invention that are included in claim 129:

...a hardware interface to be connected to a handheld computer device and to at least one attachable sensor, the attachable sensor to perform data acquisition when attached to the hardware interface and be programmable by the handheld computer;...

Maschke discloses a transportable modular patient monitor with data acquisition modules. Maschke's apparatus is a portable monitor coupled to a plurality of distinct data acquisition modules that are coupled to the sensors. The portable monitor displays and stores the patient data. Unlike the handheld computer in the presently claimed invention, the portable monitor can not program sensors. In order to gain such comprehensive functions, Maschke's monitor has to be connected to the standalone docking station (col. 4, lines 53-7 to col. 5, lines 1-29).

Thus, Mashke lacks the same features of the presently claimed invention that are missing from DeLuca.

Accordingly, neither DeLuca, nor Maschke taken alone or in combination, teaches or suggests a handheld apparatus that comprises a hardware interface to be connected to a handheld computer device and to an attachable sensor, wherein the attachable sensor is programmable by the handheld computer device, as recited in amended claim 129. Thus, claim 129 is patentable over the above references.

Similar features are also contained in the language of independent claims 146, 158, 171. Therefore, Applicants respectfully submit that for at least the same reason advanced above with respect to claim 129, amended independent claims 146, 158, and 171 are not obvious under 35 U.S.C. § 103 (a) over DeLuca in view of Maschke.

Claims 133-145, 150-157, 159-170 depend on their corresponding independent claims 129, 146, and 158 and include features that further limit independent claims. Therefore, for at least the same reasons advanced above with respect to independent claims, claims 133-145, 150-157, 159-170 are not obvious under 35 U.S.C. § 103 (a) over DeLuca and further in view of Maschke.

Moreover, there is no motivation to combine the above-cited references, because they are oriented toward different areas not related to each other: DeLuca's invention addresses the problem of a wireless bi-directional communication link between sensors and a control station; Maschke's invention addresses the need of reducing of number of cables extending between sensors and a monitor by combining signals from many sensors into a single output signal. At the same time, the presently claimed invention addresses the need of a compact interactive handheld computer device with attachable sensors that utilizes full functionality of a general purpose computer with testing capabilities of sensors in one handheld package. Accordingly, neither DeLuca, nor Maschke, suggests that these references will be combined.

Therefore, Applicants respectfully submit that the presently claimed invention is not obvious under 35 U.S.C. § 103 (a) over DeLuca in view of Maschke.

The Applicants submit that the rejection under 35 U.S.C. 103 (a) has been addressed, and withdrawal of this rejection is respectfully requested. The Applicants furthermore submit that all pending claims are in condition for allowance, which is earnestly solicited.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Marina Portnova at (408) 720-8300.

DEPOSIT ACCOUNT AUTHORIZATION

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

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